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No. 06-276

FILED
NOV 13 2006
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Supreme Court of the United States

October Term, 2006

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

CITY OF CONYERS,
CONYERS POLICE DEPARTMENT,
TONY LUCAS,
LT. JACKIE DUNN,
JAY ARCHER,
DAVID CATHCART,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

PETITION FOR REHEARING

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
(252)236-7912

Counsel for Petitioner

QUESTIONS PRESENTED

1. Whether the trial court Judge, Richard W. Story, erred when he denied plaintiff's motion for leave to file motion for reconsideration without due process of law.

2. Whether the trial court Judge, Richard W. Story, erred, in denying plaintiff's timely and properly raised constitutional issue by denying plaintiff's motion for reconsideration without due process of law.

3. Whether the trial tribunal deprived plaintiff of rights, privileges and amenities secured by the federal constitution and the United States Statutes when district court denied plaintiff's motion for leave to file motion for reconsideration without due process of law.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG NO. 06-276
vs.
CITY OF CONYERS, GEORGIA, et al

Petitioner, Arthur O. Armstrong, for compelling reasons, respectfully, requests this Court for rehearing to review the Order/Decree of Judge Richard W. Story, dated: January 10, 2006. The Order and Decree appealed from is described as follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG :
v. : ORDER
CITY OF CONYERS, GEORGIA, et al:

AND NOW this 10th day of January, 2006, upon consideration of plaintiff's motion for leave to file motion for Reconsideration and the Response of defendant, if any, it is hereby **ORDERED** and **DECREED** that plaintiff's motion be **GRANTED.**

BY THE COURT:

RICHARD W. STORY, J.

Facts

The petitioner failed to perfect the appeal in submitting the motion for reconsideration without submitting the accompanying order which provides for the interlocutory order; thereby rendering

the petitioner's to the nonappealability of right of an interlocutory order granting petitioner's motion.

Reasons Why Writ Should Issue

The interlocutory order makes it impractical for petitioner to proceed further in trial court; that irreparable harm will result to petitioner and will continue to result if petitioner's appeal is not perfected with the interlocutory order. Said Order and Decree directly involves a substantial question arising under the Fourth and Fourteenth Amendments to the Constitution of United States and under Article 1, Section 20 of the Constitution of the State of Georgia, in that it deprives rights secured thereunder to the plaintiff by overruling plaintiff's assignment of error to the denial of his Motion for leave to file Motion for Reconsideration, thereby depriving petitioner of his constitutional right not to be deprived of life, property, or liberty, without due process of law; nor be denied equal protection of the laws. This constitutional issue was timely raised in the trial tribunal by petitioner's Motion for reconsideration prior to the trial of petitioner. This constitutional issue was determined erroneously by the Court of Appeals.

WHEREFORE, petitioner respectfully prays that this Court issues its writ of certiorari to the United States District Court for the Northern District of Georgia and/or United States Court of Appeal for the Eleventh Circuit to

review the Order/Decree above specified, upon error (Trial court committed reversible error in denying petitioner's motion for leave to file motion for reconsideration.) assigned in the record on appeal constituted in accordance to the Federal Rules of Appellate Procedure.

Respectfully submitted this the 10th day of November, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

November 10, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner

OF COUNSEL:

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